

<b>CONFIDENTIAL-Government Code §6254(l)</b>	
Department: DELTA PROTECTION COMMISSION	Governor's Office #
Agency Log #	
Subject/Title: DELTA PROTECTION COMMISSION ALTERNATES	

## SUMMARY:

This legislation would provide for alternate voting members on the Delta Protection Commission (DPC).

**IDENTIFICATION OF PROBLEM:**

Under the Delta Protection Act of 1992 (Act), there is no provision for members of the DPC to designate an alternate to represent their respective entity at a Commission meeting in the event of the primary member's absence. If a Commissioner cannot attend a meeting, there is either no representation by this members' organization, or if someone attends, they do so in a non-voting capacity, significantly reducing the ability to fully participate. In that members of the DPC are elected officials, it is not always possible for their attendance at DPC meetings to also meet other priorities.

The inability to provide a voting alternate in the absence of a regular member of the Commission poses an additional hurdle in attaining a quorum of voting members, at times. The inability to convene a quorum of members results in the inability of the Commission to get meaningful work accomplished.

Departments Which May Be Affected:	Approved Author:
Suggested Author:  WOLK	Governor's Office Use Only:  _____ To Legislative Counsel Only By/Date:
Department Director/Date:  LINDA FIACK	Governor's Office Use Only: Final:  _____ Approved      _____ Disapproved
Agency Secretary/Date:  MIKE CHRISMAN	By: _____ Date: _____

The Delta Protection Act (1992) does not address the subject of alternates for the DPC. However, law governing other Commissions, such as the San Francisco Bay Conservation & Development Commission (BCDC), another state commission, does include language which allows for alternates, as outlined in their originating legislation, the McAteer-Petris Act.

**PROPOSED SOLUTION:**

Amend the Delta Protection Act to allow for a designated alternate chosen by each Commission member (or each organization's Board) to attend as a voting member in the appointed member's absence.

**PROGRAM BACKGROUND/LEGISLATIVE HISTORY**

The Act provided for the creation of the DPC, the establishment of Primary and Secondary Zones within the Legal Delta, and completion of a Management Plan (1995). The seats on the DPC, pursuant to the Act, include: a member of the Board of Supervisors from the five Delta Counties (Yolo, Solano, Sacramento, Contra Costa and San Joaquin); a representative from the three regional governments (Sacramento Area Council of Governments, San Joaquin Council of Governments, and Association of Bay Area Governments); directors from six state agencies (Boating and Waterways, State Lands Commission, Water Resources, Fish and Game, Food and Ag, and Parks and Recreation); and representatives from the North, Central, South and West Delta Reclamation Districts (Delta landowners/farmers).

AB 797 (Wolk) was signed by the Governor in 2006 and provides for the addition of four new members to the Commission. The new members include the representative from CALFED, and three resident stakeholders of the Delta with interests in agriculture, habitat, and recreation. With the exception of the CALFED member, the new members will be appointed by the Governor.

The Act does not provide for alternates on the Commission.

**JUSTIFICATION:**

- Legislation is needed to enable the governing laws of the Commission to allow for alternates, designated by Commission members, to attend meetings in place of the absent member, and to have a full voting role on the Commission.
- Inactions would result in continuation of the existing situation; one in which Commission members may miss meetings, with no alternative representation, possibly resulting in lack of a quorum and the inability of the Commission to take actions at a given meeting. It also precludes a member organization from fully participating when a member is absent. In 2006, the Commission has had a lack of a quorum twice.
- The Delta Protection Commission is a State Agency; therefore changes to its governance would be the responsibility of the State.

**ARGUMENTS PRO AND CON:**

Pro: With the addition of alternates, a member entity may continue to partake in meetings as fully-participating, voting members, to adequately represent its Delta interests.

Assurance of a quorum would be provided.

Con: None.

**PROBABLE SUPPORT AND OPPOSITION:**

Probable Support: DPC member entities: Board of Supervisors from the five Delta Counties (Yolo, Solano, Sacramento, Contra Costa and San Joaquin); Sacramento Area Council of Governments, San Joaquin Council of Governments, Association of Bay Area Governments; Department of Boating and Waterways, State Lands Commission, Water Resources, Fish and Game, Food and Ag, Parks and Recreation; and the North, Central, South and West Delta Reclamation Districts.

Opposition: None anticipated

**FISCAL IMPACT:**

- None.

**ECONOMIC IMPACT:**

The requested action would have the effect of making the DPC more efficient in accomplishing stated objectives which include economic vitality for the Delta.

**COMPARISON WITH OTHER STATES:**

Unknown.

**PERFORMANCE INDICATORS:**

The DPC is required to provide an annual report to the Governor and the Legislature summarizing accomplished implementation of the Act and the Management Plan. The Strategic Plan contains annual task work plans that identify deliverables.

**OTHER AFFECTED AGENCIES AND THEIR ROLES/VIEWS:**

DPC state agency members would be provided an option for participation at a DPC meeting, even when other priorities could preclude such attendance by the primary member.

**APPOINTMENTS:**

None.

**LEGISLATIVE STAFF CONTACT**

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